REMARKS

The instant application was filed on 08/27/2003 (Published Feb. 26, 2004 as US 2004/0037088) as a division of S.N. 09/966,140, now U.S. Patent No. 6,682,211, filed on Sep. 28, 2001. U.S. Patent No. 6,652,122 (issued Nov. 25, 2003) was filed on Jul. 16, 2002 claiming priority from a filing in Taiwan on Jul. 23, 2001. Thus, there is less than 3 months difference between the filing date of the parent of the instant application and the foreign priority date of U.S. Patent No. 6,652,122.

A Statement under 37 CFR 1.608 (a) accompanies this amendment.

It is believed that interfering subject matter exists between the claims in the instant application and the previously issued patent, No. 6,652,122 (hereinafter, '122), as delineated below.

Differences in verbiage occur between the instant application and the'122 patent, primarily in the preambles;

Thus, the claims of the '122 patent recite a "low-power high-intensity lighting apparatus". This description, although lacking a one to one comparison in the instant application, is believed to merely recite, first, a basic and inherent characteristic of light emitting diodes (LEDs) and, second, a desired result (high intensity) that is to be achieved by the use of multiple LEDs. The specification of the '122 patent does not mention the use of the light source in vehicles; however, its description of the prior art types of lighting as being used for "...a warning indicator lamp..." is believed to encompass automobile taillights and stop lights. Likewise, all of the original claims of the instant application require, in the preamble, "A vehicle light source..." Again, it is believed that this difference in not significant in regard to the invention.

This issue is avoided by newly submitted claims 63 and 64 submitted herewith, since these claims call only for "A light source..." without specifying the end use of the light source.

Original Claims 41 and 42 of the instant application are supported by the '122 patent as follows:

41. (Original) A vehicle light source (col. 1, lines 17-19 of '122, but see the presumption above regarding the term "vehicle") comprising:
a replaceable lamp capsule (col. 1, lines 39-41 of '122) having a support defining an axial direction (lamp base 90 of '122, col. 3, line 18),
a disk (lamp mounting seat 80, col.3, line 21) forming a portion of the support, and
a plurality of LEDs (53, col.3, line 34) mounted circumferentially on the disk. (See also, Fig. 5 of the '122 patent).

42. (Original) The vehicle light source in claim 41, wherein each LED has a predominate LED axis of light emission, (col. 1, lines 45-51) the majority of the LEDs being oriented so the respective LED axes form an angle with respect to the forward lamp axis direction of ninety or more degrees. (See arrows indicating light direction in Fig. 5)

Claims 61 and 62 (Claims 1 and 2 from the '122 patent) find support in the instant disclosure as follows, with particular reference to Fig. 1 of the application, with the numbers in the claim being drawn from the application:

61. A low-power high-intensity lighting apparatus (reference numeral 10, again, see the presumption above regarding preamble language), comprising:

a housing (unnumbered in the drawing but comprising reflector 12 and lens 14) including a curved reflector 12:

a lamp base 60 (which includes support 16 comprising base 20 and head 18) mounted in said housing:

a lamp unit (head 18) mounted on said lamp base 60, said lamp unit (18) including at least one light emitting diode 22 and generating light that propagates rearwardly toward said reflector 12 (indicated by arrows 92 in Fig. 1) and that is reflected forwardly by said reflector;

wherein said reflector 12 has a concave reflective surface with an intermediate part, said lamp base 60 being mounted to said reflector 12 at said intermediate part of said concave reflective surface (See Fig. 1 of the instant application);

wherein said intermediate part of said intermediate part of said concave reflective surface is formed with an internally threaded mounting hole, said lamp base including a coupling post having an externally threaded end that engages said reflector in said mounting hole (See specification, page 5, lines 11-14, "The preferred base 20 further includes a coupling 60 to latch with a portal formed in an optical housing such as a reflector 12 and lens 14. The coupling 60 may be a bayonet, threaded, or similar coupling 60 as may be conveniently selected as a matter of design choice.");

wherein said lamp base60 further includes a cap 18 having a base wall portion, a surrounding wall portion extending from said base wall portion, and a post engaging portion extending from said surrounding wall portion for engaging one end of said coupling post opposite said externally threaded end (shown as a single piece in Fig. 1 of the instant application; however, see specification, page 3, lines 14-18, "The head 18 and base 20 portions may be aspects of a single piece or may be separately formed provided, in the preferred embodiment, they are coupled to enable good heat conduction from the LEDs 22. For example, head 18 and base 20 may be each formed from metal and then screwed or otherwise joined together."

62. The low-power high-intensity lighting apparatus as claimed in claim 1, wherein said reflector 12 has an open front end, said housing further including a light-transmissive cover 14 mounted on said reflector 12 at said open front end.

It is respectfully requested that new claims 63 and 64 likewise be considered as counts for the interference. These claims are broader than claims of the '122 patent and are believed to adequately reflect the invention disclosed in both the '122 patent and the instant application. In the following description of the claims the numbers in parenthesis are from the application and the italicized numbers are from the '122 patent.

63. A light source (reflector 12 and lens 14) *10* comprising:

a concave reflector (12) *20* having an intermediate portion (center of 12) *intermediate portion of 211*;

a mounting post (16) *70* with a first end (60) *71* fixed to said intermediate portion and extending away therefrom; and

a lamp unit (18) *80* mounted to a second end of said mounting post, said lamp unit(18) *80* comprising at least one light emitting diode (22) *53* directing light toward said concave reflector (12) *20*.

64. The light source of Claim 63 wherein said intermediate portion (center of 12) *intermediate portion of 211* contains an internally threaded aperture (specification, page 3, lines 14-18) *22* and said first end (60) *71* of said mounting post (16) *31* has a matching, externally threaded portion for engagement with said internally threaded portion.

The latter claims most clearly define the broad aspects of the invention; that is, a replaceable LED light source wherein the LEDs are mounted upon a post that is centered and affixed to a central portion of a reflector and wherein the LEDs direct their light rearwardly toward the reflector to be reflected outwardly toward an area to be illuminated.

This combination of features is not known to be available in the prior art, other than from the '122 patent and the parent of this application.

Accordingly, since both parties are essentially claiming the same invention, an interference is proper to determine priority of invention.

Respectfully submitted,

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STATEMENT UNDER 37 CFR 1.608 (a)

I, the undersigned agent, William H. McNeill, state that I have reviewed the file wrappers of U.S. Patent No. 6,682,211 B2 (the parent of this pending application), and this pending application, including the original disclosure in U.S. Patent No. 6,682,211 B2, and allege that there is a clear basis upon which the applicants herein are entitled to a judgment of priority relative to the patentee of U.S, Patent No. 6,652,122 B2.

Signed this 23rd day of November, 2004.

William H. McNeill
Reg. No. 24,426

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